

CHAPTER NO. 1005

HOUSE BILL NO. 3986

By Representatives McMillan, Coleman, Sontany, Russell Johnson, Eric Watson, Todd, Baird, Pleasant, Harry Brooks, Shaw, Marrero, Montgomery, Campfield

Substituted for: Senate Bill No. 3868

By Senators Kyle, Kilby

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 16, Part 4 and Title 41, Chapter 21, Part 2, relative to the offense of sexual contact with prisoners or inmates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 41-21-241, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 16, Part 4, is amended by adding the following as a new appropriately designated section:

(a) It is an offense for a law enforcement officer, correctional employee, vendor or volunteer to engage in sexual contact or sexual penetration, as such terms are defined in §39-13-501, with a prisoner or inmate who is in custody at a penal institution as defined in §39-16-601, whether such conduct occurs on or off the grounds of such institution.

(b) For purposes of this section, the term "volunteer" means any person who, after fulfilling the appropriate policy requirements, is assigned to a volunteer job and provides a service without pay from the correctional agency except for compensation for those expenses incurred directly as a result of such volunteer service.

(c) For the purposes of this section, the terms "law enforcement officer" and "correctional employee" include a person working in such capacity as a private contractor or employee of a private contractor.

(d) A violation of this section is a Class E felony.

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: May 25, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of June 2006


PHIL BREDESEN, GOVERNOR